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Written statement* submitted by the Khiam Rehabilitation Center for Victims of Torture, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[08 February 2016]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

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Confronting and putting an end to the grave human rights violations in Saudi Arabia

Saudi Arabia as one of the significant members of the Human rights council with a particularly poor record on the Human Rights fronts has unceasingly violated the international humanitarian law with a criminal procedure code that does not meet international standards relating to human rights. Secret trials, amputations, detention of human rights activists and executions characterize the human rights situation in Saudi Arabia.

Human rights reports reveal that Saudi Arabia is the most prolific executioner in the world. Between January and November 2015, Saudi Arabia executed at least 157 people, amounting to its highest recorded number of executions in a single year since 1995. Phillip Luther, current director for the Middle East and North Africa Program at Amnesty International recognized that "Saudi authorities effectively criminalize peaceful dissent and freedom of expression as terrorism crimes." As a result, this has legalized indefinite incommunicado detentions without charges or trial. In addition, James Lynch, deputy director at Middle East and Africa Program at Amnesty International stated that "The Saudi Arabian authorities appear intent on continuing a bloody execution spree an average of one person in two days." These cases are rather common as legal representation is denied and they are organized under confidentiality with severe torture and high risks of execution. Attempted opposition from many local and international Human rights commissions such as the Bahrain Independent commission for inquiry is nothing but void. Likewise, the UN Working Group rapport stresses the fact that "The Saudi Arabian authorities are consistently violating the country's insufficiently amended laws to deprive human rights defenders and others of their freedom".

However, the International community has not held the government accountable for these violations but has rather exacerbated the situation by turning on a blind eye.

The capital punishment, namely death penalty, has been a provocative issue in Saudi Arabia for a long time not only due to the high number of individuals sentenced to death, but also due to the legal justifications upon which the harsh verdicts were issued. Throughout the history of Saudi Kingdom, the death penalty was commonly used against protesters who invoked peaceful means to voice their views in public issues. Although, International law prohibits the use of the death penalty against anyone under the age of 18, the Saudi authorities twisted the law by preserving "the convicted in prison until he reaches the age of 18" so as to legalize the execution.

According to human rights organizations the execution cases rose dramatically after King Salam came to power in January 2015. Human Rights Watch issued a briefing on 16 June 2015 stating that "Saudi authorities have carried out 100 executions since January 1st, compared with 88 in all of 2014. Of the 2015 executions, 47 were for nonviolent drug offenses."

According to Sarah Leah Whitson, Middle East and North Africa director "Saudi authorities have been on a campaign of death this year, executing more people in six months than all of the previous year".

Amnesty International comments "Saudi Arabia's authorities have demonstrated their utter disregard for human rights and life by executing 47 people in a single day including Shaikh Nimr al-Nimr.

Furthermore, these prisoners of conscience were convicted after a partial court called "Specialized Criminal Court". As well with the exception of Sheikh Nimr and three other activists from Qatif the others were convicted of affiliation with al-Qaeda.

The Saudi authorities deliberately combined peaceful protesters with those that were convicted of involvement with al-Qaeda with the aim of misleading the public opinion. Indeed, by killing of Sheikh Nimr al-Nimr in particular, the Saudi authorities are abusing the death penalty in the name of countering terror to settle scores and crush dissidents.

"A bloody day when the Saudi Arabian authorities execute 47 people, some of whom were clearly sentenced to death after grossly unfair trials. Carrying out a death sentence when there are serious questions about the fairness of the trial is a monstrous and irreversible injustice. The Saudi Arabian authorities must heed the growing chorus of international criticism and put an end to their execution spree," said Philip Luther.

As such, there are legitimate concerns about those hundreds if not thousands of prisoners of conscience who called for reforms to face such sentences also in the name of fighting terror. As such, human rights council is obliged to scrutinize execution cases and human rights record in general in order to examine the alleged commitments of the Saudi regime of the human rights charter ratified by the Saudi government.

Of note according to reliable reports, many death penalty cases defendants are denied legal representation and their convictions are based on "confessions" extracted under torture or other illegal means.

Although, international standards, including the Arab Charter on Human Rights, ratified by Saudi Arabia, require countries that retain the death penalty to use it only for the "most serious crimes, such as murder and in exceptional circumstances," the Saudi authorities appear to keep using this rigorous penalty very loosely.

The Death Penalty Worldwide Database, which collects information on executions across the globe, shows that Saudi Arabia has one of the highest execution rates in the world. Most importantly Saudi Arabia applies the death penalty to a range of offenses that do not constitute "most serious crimes."

The Saudi officials often claim that the Saudi criminal justice system adheres to high standards. However, they always associate their commitments to human rights treaties with the rule of Sharia. The intermingling between human right treaties and the Rule of Sharia alludes to the mechanism upon which the Saudi authorities justify a wide range of violations.

The rein of King Salman has seen a dramatic deterioration of human rights conditions. Many individuals have found themselves detained and arrested for long periods from 5-15 years or could be sentenced to death for behaviour that is not criminal or that even poses a threat to the national interests. In fact, the majority of the prisoners were practicing their right of expression that led to their detention and execution.

It is worth mentioning that the Saudi authorities often do not inform individuals of the crime of which they are accused, or the evidence supporting the accusation. An accused person typically does not have access to a lawyer, faces abuse when refusing to incriminate him or herself, and waits excessive periods of time before trial, where he or she is often unable to examine witnesses or evidence and present a legal defence, not least because of a presumption of guilt and shifting charges.

It is evident that violations of defendants' rights are systematic in Saudi kingdom where the criminal justice system does not correspond to the international human rights standard or the rule of law. The Saudi legal system is allegedly based on the Sharia law, according to the strict interpretation of Islamic traditions. Accordingly, citizens, men and women, foreigners, and visitors are not aware of the acts that constitute a criminal offence and what are the legal procedures that could be followed after the detention. Death penalty, as an absolute punishment, could be imposed after unfair trials, and with no full legal representation of the defendants. In many cases, judges issued sentences without reference to written legal code; rather they rely on a personal based judgement which has left many victims unheard.

In consideration of these horrendous human rights violations in the Saudi Arabia, International Council Supporting Fair Trial and Human Rights calls up on the international community to urge the regime to reaffirm their commitment to respect the rights of everyone, in particular the right to freedom of religion and to freedom of opinion and expression, which is enshrined in the fundamental international human rights instruments.

We strongly urge the Saudi Arabian government to establish a national mechanism to reform the criminal justice system and human rights situation as per international standards, and put in place mechanisms to raise monitoring and accountability efforts that are aimed at promoting and protecting human rights.

Political execution is a cruel punishment that contradict with the Universal Declaration of Human Rights and other relevant international conventions, including the International Covenant on Civil and Political Rights and its protocols on the death penalty. According to these conventions and protocols, such punishments should not be applied on political activists who demand democratic reform. Hence, the mass execution of prisoners of conscience and further repression against human rights activists is a violation of these international human rights instruments that requires an international investigation by the United Nations and the specialized committees.

Lastly, we call upon the international community, in particular the United Nations, to intensify its efforts to prevent further executions and vile human rights abuses in Saudi Arabia. It is essential to condemn the Saudi Arabian regime and prosecute the authors of these horrendous violations.

(Statement prepared by International council supporting Fair Trial and Human Rights)